

ORIGINAL

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA
V.

ANTONIO ROJAS-BAZAN

FILED

NOV 30 2007

CRIMINAL COMPLAINT

Case Number: **3 07 70703**

(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**BZ**

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about November 19, 2007 in Marin County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

SEE ATTACHMENT "A"

in violation of Title 8 United States Code, Section(s) 1326

PENALTIES: Imprisonment for not more than 20 years.

\$250,000 fine

\$100 special assessment

3 years supervised release

No warrant or bail requested.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT MADE A PART HEREOF.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To Owen MartikanForm: AUSA

Name/Signature of Complainant

Sworn to before me and subscribed in my presence.

Date

at

San Francisco, California

City and State

HON. BERNARD J. ZIMMERMAN,

U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT "A"

On or about November 19, 2007, the defendant, Antonio Rojas-Bazan, an alien having been previously deported from the United States, was found in San Quentin State Prison, in the State and Northern District of California, without having obtained express consent for reapplication for admission from either the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557).

Affidavit

I, Cesar J. Lopez, being duly sworn, do hereby state:

1. I have been a Deportation Officer with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately nineteen (19) years.

2. I am currently assigned under the Field Office Director, San Francisco, California (FOD/SF) in the Detention and Removal Operations (DRO) Division. I am presently assigned to the Prosecutions Unit of the Criminal Alien Program (CAP) a group that is responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally. In such capacity, I have reviewed the official DHS records (A78 439 932) and DHS automated data relating to ANTONIO ROJAS-BAZAN ("ROJAS-BAZAN"), which attests to the following:

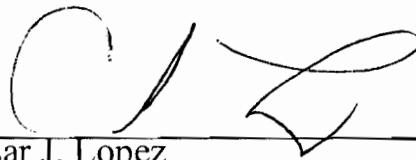
- a. ROJAS-BAZAN is a twenty-five (25) year-old male, native and citizen of Mexico, who last entered the United States illegally by crossing the international border on an unknown date in 2005, and knowingly remained in the United States without first having obtained the consent of the Attorney General of the United States or the United States Secretary of Homeland Security.
- b. ROJAS-BAZAN'S official Alien Registration File contains three (3) executed Warrants of Removal/Deportation indicating that ROJAS-BAZAN was deported from the United States to Mexico on August 14, 2003 and September 27, 2006, through San Ysidro, California. On December 17, 2004, ROJAS-BAZAN was deported to Mexico through Nogales, Arizona.

3. On November 19, 2007, an ICE agent encountered ROJAS-BAZAN at San Quentin State Prison in San Quentin, California. On November 19, 2007, ICE Agent James Johantgen interviewed ROJAS-BAZAN in San Francisco, California. After Agent Johantgen advised ROJAS-BAZAN of his Miranda rights and his right to speak with consular or diplomatic officers of his country of citizenship, ROJAS-BAZAN waived those rights and provided a sworn statement. In that statement, ROJAS-BAZAN admitted that his true and correct name is ANTONIO ROJAS-BAZAN, that he was born in Mexico and is a citizen of Mexico. ROJAS-BAZAN admitted that he had previously been removed from the U.S., and that he most recently reentered the U.S. in 2005. He also admitted that he never applied for permission to reenter the U.S. from the Attorney General or the Secretary of Homeland Security.

4. On November 26, 2007, a full set of rolled fingerprints belonging to ROJAS-BAZAN was submitted to the Automated Fingerprint Identification Center ("AFIS"), to verify ROJAS-BAZAN's identity. The fingerprint examiner positively identified the fingerprint as belonging to ROJAS-BAZAN who had previously been removed from the United States as referenced above in paragraph 2.

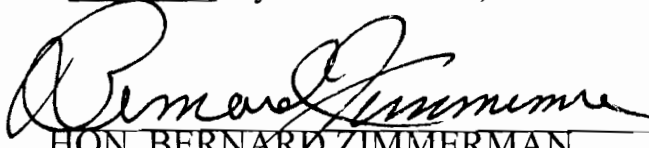
5. There is no indication in ICE's official files that ROJAS-BAZAN has ever applied for or been granted the requisite permission to reenter the United States from either the Attorney General or the Secretary of Homeland Security to reenter the U.S. after he was removed from the country.

6. On the basis of the facts above, I submit that probable cause exists ANTONIO ROJAS-BAZAN illegally reentered the United States following deportation in violation of Title 8, United States Code, Section 1326.



Cesar J. Lopez
Deportation Officer
U.S. Department of Homeland Security
Immigration and Customs Enforcement
San Francisco, California

Subscribed and sworn to before me this 30 day of November, 2007.



HON. BERNARD ZIMMERMAN
United States Magistrate Judge
Northern District of California
San Francisco, California